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7 *Attorneys for Defendants*
8 *Beasley Broadcasting of Nevada, LLC,*
Beasley Media Group, Inc. and
9 *Beasley Broadcasting Group, Inc.*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**
12

13 COURTNEY KNIGHT,

14 Plaintiff,

15 v.

16 BEASLEY BROADCASTING OF NEVADA,
LLC, a North Carolina Corporation; BEASLEY
17 MEDIA GROUP, INC., a Delaware Corporation;
BEASLEY BROADCASTING GROUP, INC., a
18 Delaware Corporation; does I THROUGH X, and
ROE BUSINESS ENTITIES I through X, inclusive,

19 Defendants.
20

CASE NO:

**NOTICE OF REMOVAL OF ACTION TO
FEDERAL COURT UNDER 28 U.S.C. §§
1331, 1332 AND 1441**

**(FEDERAL QUESTION AND
DIVERSITY JURISDICTION)**

21 Defendants BEASLEY BROADCASTING OF NEVADA, LLC BEASLEY MEDIA
22 GROUP, INC. AND BEASLEY BROADCASTING GROUP, INC. (hereinafter collectively referred
23 to as "Defendants") by and through their counsel of record, Sheri M. Thome, Esq. and Chad C.
24 Butterfield, Esq. of the law firm WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP,
25 hereby submit this Notice of Removal, in accordance with 28 U.S.C. §§ 1331, 1332, 1441(a) and
26 1446.

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1 In support of this Notice of Removal, Defendants state as follows:

- 2 1. On July 22, 2016, Plaintiff Courtney Knight filed a Complaint for damages against
3 Defendants in the Eighth Judicial District Court of Clark County, Nevada, in a case entitled
4 *Courtney Knight v. Beasley Broadcasting of Nevada, LLC, Beasley Media Group, Inc and*
5 *Beasley Broadcasting Group, Inc.*, Case No. A-16-740522-C, (the “State Court Action”). On
6 October 19, 2016 Plaintiff filed her First Amended Complaint against Defendants.
- 7 2. Plaintiff served the Summons and the First Amended Complaint on all three Defendants on
8 October 28, 2016, which was the first time any complaint was served upon Defendants. In
9 accordance with 28 U.S.C. § 1446(b), Defendants’ Notice of Removal is being filed within
10 30 days after initial service of the First Amended Complaint, and all Defendants join in this
11 Removal.
- 12 3. In accordance with 28 U.S.C. § 1446(a), this Notice is filed in the District Court of the
13 United States in which the action is pending. Defendants seek to remove this case to the
14 United States District Court for the District of Nevada, which is the District Court embracing
15 the place where the State Court Action has been filed. 28 U.S.C. § 1441(a).
- 16 4. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served
17 upon Defendants are attached as Exhibits hereto. A true and correct copy of the Complaint is
18 attached hereto as **Exhibit A**, which was served along with the First Amended Complaint. A
19 true and correct copy of the Summons dated October 25, 2016 is attached hereto as **Exhibit**
20 **B**. A true and correct copy of the First Amended Complaint is attached hereto as **Exhibit C**.
21 Defendants have been served with no other documents from the State Court Action.
- 22 5. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice is being served upon Plaintiff
23 and a copy is being filed with the Clerk of the District Court of Clark County, Nevada, and
24 the Clerk of the United States District Court, District of Nevada.
- 25 6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, and it is
26 one which may be removed to this Court because Plaintiff’s claims arise under federal law.
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- 1 Plaintiff's First Amended Complaint specifically asserts that her claims arise under Title VII
2 of the Civil Rights Act of 1964, 42 U.S.C. § 2000e and 29 U.S. § 2615.
- 3 7. This Court also has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332, under
4 which this Court has original jurisdiction of "all civil actions where the matter in controversy
5 exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens
6 of different States."
- 7 8. Complete diversity exists between Plaintiff and Defendants. The First Amended Complaint
8 alleges that Plaintiff is a resident of Clark County, Nevada. Defendant Beasley Broadcasting
9 of Nevada, LLC, was a North Carolina limited liability company, which has been merged
10 into Defendant Beasley Media Group, Inc., which is a Delaware Corporation with its
11 principal place of business in Naples, Florida. Defendant Beasley Broadcast Group, Inc.
12 (erroneously sued as Beasley Broadcasting Group, Inc.) is a Delaware Corporation with its
13 principal place of business in Naples, Florida.
- 14 9. Plaintiff's First Amended Complaint alleges causes of action for discrimination based on
15 gender and pregnancy in violation of state and federal statutes (including Title VII and NRS
16 613.330 and 613.335); violations of the Family Medical Leave Act; breach of contract; and
17 breach of the covenant of good faith and fair dealing, and further requests punitive damages.
18 Defendants are informed and do believe that Plaintiff's claim exceeds \$75,000.00.
- 19 10. The sum of the damages alleged by Plaintiff necessarily exceeds \$75,000.00, exclusive of
20 interest and costs. Plaintiff's First Amended Complaint seeks back pay damages in an
21 amount equal to the wages, salary and benefits she would have earned from her termination
22 on October 15, 2014 to the present. At the time of her termination, Plaintiff was earning
23 approximately \$70,000 per year. Accordingly, Plaintiff's alleged back pay damages are
24 presently in excess of \$140,000. Plaintiff's First Amended Complaint seeks punitive
25 damages in an unspecified amount.

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1 11. Finally, venue lies in this Court because Plaintiff's action was filed in the District Court of
2 Clark County, Nevada and is pending in this District. 28 U.S.C. § 1441(a).

3 DATED this day of 17th day of November, 2016

4 **WILSON, ELSE, MOSKOWITZ, EDELMAN**
5 **& DICKER LLP**

6 BY: /s/ Sheri M. Thome

7 Sheri Thome, Esq.

8 Nevada Bar No. 08657

9 Chad C. Butterfield, Esq.

10 Nevada Bar No. 10532

11 300 South Fourth Street, 11th Floor

12 Las Vegas, Nevada 89101

13 *Attorneys for Defendants*

14 *Beasley Broadcasting of Nevada, LLC,*

15 *Beasley Media Group, Inc. and*

16 *Beasley Broadcasting Group, Inc.*

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on this 17th day of November, 2016, I served a true and correct copy of the foregoing **NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT UNDER 28 U.S.C. §§ 1331, 1332 AND 1441** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk; and/or
- ☐ via hand-delivery to the addressees listed below; and/or
- ☐ via facsimile; and/or
- ☐ by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m. (PST/PDT).

Kathleen J. England
ENGLAND LAW OFFICE
610 South Ninth Street
Las Vegas, NV 89101
Tel: 702-529-2311
Attorney for Plaintiff
Courtney Knight

BY /s/ Richean Martin
An Employee of
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

Knight v. Beasley Broadcasting of Nevada, et al

Notice of Removal of Action to Federal Court
Under 28 U.S.C. §1331 (FEDERAL QUESTION)

Exhibit A. Complaint
Exhibit B. Summons
Exhibit C. First Amended Complaint